

REMARKS

Rejection of claims 4-5, 9-10, 16, 19, and 22-24 under 35 U.S.C. §103(a)

The examiner rejected claims 4-5, 8-10, 16, 19, and 22-24 under 35 U.S.C. §103(a) as being unpatentable over Day in view of Tarui and further in view of Kaneko. Claims 23 has been amended herein to ensure proper antecedent basis for the language in the claim, and claim 24 has been amended herein to make claim 24 of similar scope as claims 22 and 23. The claims are discussed below.

Claims 4-5, 9-10, 16, and 19

In response to applicant's arguments for claims 4-5, 9-10, 16, and 19, the examiner states:

Firstly, There[sic] is nothing in the claim language that requires “a logical partition that own identified I/O resource, and another logical partition that **does not own identified I/O resource**” the claim's language recite a logical partition that own the identified I/O and a logical partition that does not own the identified I/O”. If Applicant's intention is directing specifically to two partitions, comprising of a logical partition does own the identified I/O resource and another partition does not own the same identified I/O resource”. Applicant must clearly state in claim language. Instead the claim currently recites “owns identified I/O” and “not own identified I/O” which directs to owning the identified I/O operation

The Examiner's arguments are difficult to understand with the number of grammar and punctuation mistakes in the paragraph. The examiner states, “If Applicant's intention is directing specifically to two partitions, comprising of a logical partition does own the identified I/O resource and another partition does not own the same identified I/O resource. Applicant must clearly state in claim language.” Applicants respectfully assert this is already clearly stated in the claim language. Claims 4-5, 9-10, 16, and 19 recite a “plurality of logical partitions comprising at least one logical partition that owns

identified I/O and at least one logical partition that does not own the identified I/O”. The antecedent basis for “the identified I/O” is in the clause “at least one logical partition that owns identified I/O”. According to well-established claim construction rules, the language “owns identified I/O” provides antecedent basis for “does not own the identified I/O.” As a result, both of the limitations “identified I/O” are referring to the same “identified I/O”. As such, the claims clearly recite partitions comprising at least one logical partition that owns identified I/O and at least one partition that does not own the same identified I/O. Because a logical partition cannot both own an identified I/O resource and not own the same identified I/O resource, the logical partitions are clearly different logical partitions. Thus, the claims expressly recite one or more logical partitions that own identified I/O and one or more different logical partitions that do not own the same identified I/O. As a result, the examiner’s contention that the claims do not currently recite two partitions, comprising of a logical partition that owns an identified I/O resource and another logical partition that does not own the same identified I/O resource is incorrect. For this reason, applicants respectfully request reconsideration of the examiner’s rejection of the pending claims.

The examiner provides an incomplete thought when referencing what the claims currently recite. The examiner states:

Instead the claim currently recites “owns identified I/O” and “not own identified I/O” which directs to owning the identified I/O operation

The examiner misquotes the language of the claims, as the claims clearly recite “at least one logical partition that owns identified I/O and at least one logical partition that does not own the identified I/O;”. The examiner then cites some “identified I/O operation” which is irrelevant to the claims at hand as there are no limitations to an I/O operation in the claims.

Applicants respectfully assert the examiner has misinterpreted the claims. The pending claims are clearly allowable over the combination of art cited by the examiner for the many reasons discussed in the amendment filed on 06/27/2007. Applicants respectfully request reconsideration of the examiner's rejection of claims 4-5, 9-10, 16, and 19 under 35 U.S.C. §103(a).

Claims 22-24

Nowhere in the rejection did the examiner address claim 22, therefore the examiner has failed to establish a prima facie case of obviousness for claim 22 under 35 U.S.C. §103(a). The examiner states, "Claim 23 is rejected by the same rationale as of claim 22." Since the examiner did not address claim 22, he also did not address claim 23, therefore the examiner has failed to establish a prima facie case of obviousness for claims 22 and 23 under 35 U.S.C. §103(a). Further, claim 22 includes the limitation "a plurality of logical partitions defined on the apparatus, the plurality of logical partitions comprising at least one logical partition that owns identified I/O and at least one logical partition that does not own the identified I/O" and is therefore allowable for the reasons given above.

Claim 24 has been amended herein to be of similar scope as claims 22 and 23. Since the examiner did not address the limitations of claims 22 and 23, the examiner has not addressed the limitations of claim 24 as amended.

Request to withdraw the Finality of the Pending Office Action

Because the examiner did not address the limitations of claims 22-23, the examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103(a) for claims 22 and 23, and applicants respectfully request the finality of the pending office action be withdrawn.

Conclusion

In summary, none of the cited art, either alone or in combination, teaches, supports, or suggests the unique combination of features in applicants' claims presently on file. Therefore, applicants respectfully assert that all of applicants' claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

MARTIN & ASSOCIATES, L.L.C.
P.O. Box 548
Carthage, MO 64836-0548
(417) 358-4700

Respectfully submitted,

By /derekpmartin/
Derek P. Martin
Reg. No. 36,595